



U.S. Department of Justice

*United States Attorney
Southern District of New York*

*The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007*

November 12, 2021

BY ECF

The Honorable Jed S. Rakoff
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

Re: *United States v. Bruce Bagley*, 19 Cr. 765 (JSR)

Dear Judge Rakoff:

The Government respectfully submits this letter in connection with the sentencing of defendant Bruce Bagley, which is currently scheduled for November 16, 2021, at 3:30 p.m. On November 9, 2021, the parties filed their sentencing submissions in this case. The Government argued, among other things, that Bagley's minimization of his own conduct indicated a failure to show remorse or to fully acknowledge his role in the criminal scheme. Bagley argued, among other things, that he was "ensnare[d]" into criminal conduct by another individual, and specifically that Bagley had supposedly "declined" prior business proposals from that individual. Bagley Submission at 8, 11.

Bagley specifically represented that he had "refused" to write an affidavit that an individual named Kiko Gomez was not involved in paramilitary activities, and that he did so "because his research revealed that, in fact, Kiko Gomez *was* involved in Colombia's notorious paramilitary activities." Bagley Submission at 12 (emphasis in original).

Since Bagley filed his sentencing submission, the Government has obtained an affidavit signed by Bagley and notarized on December 12, 2015, in which Bagley stated, in sum and substance, that it was his professional opinion that there was no evidence that Kiko Gomez was personally involved with paramilitary organizations. The affidavit, which is in Spanish, is attached hereto as Exhibit A. Accordingly, Bagley's representation in his sentencing submission that he had "refused" to write this affidavit is false. Additionally, Bagley's representation that his research had revealed involvement of Kiko Gomez with paramilitary organizations is contrary to the statements in his affidavit, which denied such involvement. Accordingly, either Bagley's representation about his research in his sentencing submission is false, or he signed a false affidavit in 2015. In either

event, the Government respectfully submits that Bagley's misrepresentations are relevant to the Court's determination of the appropriate sentence to impose.

Very truly yours,

DAMIAN WILLIAMS
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